



JW
RCE

PATENT
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Tsuneji Suzuki *et al.***

Application No. 10/049,666

Filed: **February 15, 2002**

For: **Pharmaceutical Agent Comprising a
Benzamide Derivative as Active Agent**

Group Art Unit: **1615**

Examiner: **Gollamudi S. Kishore**

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop RCE**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a request for continued examination (RCE) under 37 C.F.R. § 1.114 of U.S. Application 10/049,666 filed February 15, 2002, entitled Pharmaceutical Agent Comprising a Benzamide Derivative as Active Agent.

1. Please consider and enter the attached Amendment and Response Under 37 C.F.R. 1.114.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants do not believe an extension of time is required. If, however, Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. § 1.16):

| CLAIMS AS AMENDED | | | | | | |
|--|-----------|-------|-----------------|-------|---------------|------------|
| | Remaining | | Previously Paid | Extra | Rate | Total Fees |
| Total Claims | 10 | minus | 36 | 0 | \$50.00 each | 0.00 |
| Independent Claims | 2 | minus | 3 | 0 | \$200.00 each | 0.00 |
| First presentation of Multiple dependent claim | | | | | \$360.00 | 0.00 |
| Sub-total = | | | | | | 0.00 |
| Reduction by ½ for filing by a small entity | | | | | | 0.00 |
| Total Fee = | | | | | | \$0.00 |

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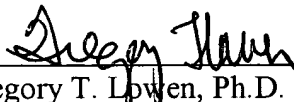
4. Fee Payment: The Commissioner is hereby authorized to charge **\$790.00** to Deposit Account No. 50-0310 for payment of the request for continued examination filing fee.
5. Please address all correspondence to:

Customer Number: 009629
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Date: **December 9, 2005**
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Respectfully submitted,
Morgan, Lewis & Bockius LLP



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